

1 GIGI C. HOANG, Bar No. 241182  
2 ghoang@perkinscoie.com  
3 PERKINS COIE LLP  
4 Four Embarcadero Center, Suite 2400  
5 San Francisco, California 94111  
6 Telephone: (415) 344-7000  
7 Facsimile: (415) 344-7050  
8  
9 Attorneys for Defendant  
10 VITAL PHARMACEUTICALS, INC.

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA  
13 (SACRAMENTO DIVISION)

11 CYTOSPORT, INC., a California  
12 Corporation

13 Plaintiff,

14 v.

15 VITAL PHARMACEUTICALS, INC., a  
16 Florida Corporation,

17 Defendant(s).

Case No. 2:08-CV-02632-FCD-GGH

**STIPULATION AND ORDER FOR  
EXTENSION OF TIME FOR DEFENDANT  
VITAL PHARMACEUTICALS, INC. TO  
ANSWER OR RESPOND TO PLAINTIFF'S  
AMENDED COMPLAINT**

Pursuant to L.R. 6-144, plaintiff CytoSport, Inc. and defendant Vital Pharmaceuticals, Inc., by and through their undersigned counsel, hereby stipulate and agree that Vital Pharmaceuticals, Inc. shall receive a fourteen-day extension to answer or otherwise respond to the complaint in this matter. This is defendant's first extension to respond to the plaintiff's Amended Complaint. With this extension, defendant Vital Pharmaceuticals, Inc.'s answer or other response to the Amended Complaint will be due on or before December 31, 2008.

December 17, 2008

**PERKINS COIE LLP**

By: /s/ Gigi C. Hoang  
Gigi C. Hoang  
Attorneys for Defendant  
Vital Pharmaceuticals, Inc.

December 17, 2008

**MILLSTONE, PETERSON & WATTS, LLP**

By: /s/  
Glenn W. Peterson, Esq.  
Attorneys for Plaintiff  
CytoSport, Inc.

**IT IS SO ORDERED.**

Dated: December 17, 2008



FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE